based on negligence; but it is evident, nevertheless, that the decision of the Court of Appeal necessarily repudiates the main proposition on which the reasoning of the Privy Council rested. The proposition was that there can be no legal causal connection between a mental shock and the physical injuries which may ensue. It is submitted that the position taken by the court in the later case is the more satisfactory.

Theoretically there seems to be no good reason why physical injuries should not be compensated for, though they be caused by what affects primarily only the mind. Some wrongful or negligent act, determined to be such in the light, not of subsequent events, but of ordinary circumstances, must be shown in the party against whom recovery is sought. Having found such breach of the defendant's legal duty to the plaintiff, it will not be disputed that fright may follow under any and all rules by which the existence of legal cause is determined. Where there is nothing further, the plaintiff is denied recovery merely because an emotion of the mind, though painful and distressing, "cannot in itself be regarded as measurable temporal damage." Pollock on Torts, 4th ed., 46, 47; *Lynch* v. *Knight*, 9 H. L. 577. But when the mental pain is followed by physical suffering, there exists the sort of injury for which there is legal remedy, and the question becomes whether the causal connection is broken. A scientific determination of precisely what takes place is not necessary to the legal consideration of this question. If the mental shock is followed by physical suffering, and it be shown in fact that no outside influences have intervened, the causal connection is certainly not broken. The real difficulty is in the proof of the facts necessary to make out the plaintiff's case. It is suggested that a keen realization of this is what underlies the decision in the *Coultas* case and in similar cases. *Ewing* v. *Pittsburg, Cinn., and St. Louis Ry. Co.*, 147 Pa. St. 40. The evident probability that in such actions juries either will be deceived as to the facts, or through incomplete comprehension of a difficult subject will come to wrong conclusions, certainly warns the courts to be discreet in sanctioning such claims; whether it justifies them in refusing to consider the claims at all is indeed a grave question.

THE ENGLISH SOCIETY OF COMPARATIVE LEGISLATION. — In the November number of the REVIEW appeared an account of the French Society of Comparative Legislation, by M. Lévy-Ullmann. It is interesting to note that a similar society has at last been established in England. In December, 1894, the initial steps toward its formation were taken, and the recent appearance of its Journal shows that the work of the society is now well under way. Surely a work was never begun under brighter auspices. The president of the organization is Lord Herschell, and on the Council are such men as Sir William Anson, the Hon. T. F. Bayard, the Rt. Hon. James Bryce, Professor Dicey, Sir Edward Fry, Lord Halsbury, Professor Holland, Lord Justice Lindley, Professor Maitland, Sir Frederick Pollock, and Lord Russell of Killowen. With this backing, success is of course assured.

In the introduction to the Journal the purposes of the new Society are stated. "In the British Empire are some sixty legislatures; in the United States are nearly fifty. Each of them is occupied with much the same problems. . . . At present the results of foreign experiments are only imperfectly and casually brought to the notice of those who

might profit by them; and enactments may be proposed and adopted in one English-speaking community in ignorance of the fact that similar measures have after trial been abandoned or modified in another." To prevent this by disseminating a more extended knowledge of the substance and form of legislation in other jurisdictions, will be one of the main objects of the Society. It will also undertake the scientific study and comparison of the diverse systems of law, Hindu and Mohammedan, French, Roman-Dutch, and Spanish, which come before the Privy Council in the exercise of its remarkable jurisdiction as Appellate Court for the Colonies.

Following the example of the American Bar Association and the *Institut de Droit International*, the Society has formed standing committees, intrusted with different departments of the work. These committees are to deal respectively with Statute law, Mercantile Law, Comparative and Historical Jurisprudence, and Procedure. The information collected by the Society is to be published in convenient form, probably to a great extent in its Journal, of which the first number is fairly indicative of the nature of the work undertaken. It contains two hundred and thirty-eight pages, and includes articles on The Legislation of the British Empire in 1895, Modes of Legislation in the British Colonies, The German Civil Code, Application of European Law to Natives of India and of Ceylon, and The State Legislation of America in 1895.

A STRANGE APPLICATION OF AN OLD DOCTRINE. — The New York Court of Appeals has recently been called upon to decide a novel question. A woman was pregnant by one A, who, on seeking for a way out of the difficulty, bethought himself that his friend B was looking about for a wife. At their next encounter A informed his friend that he knew of a virtuous young woman who might be willing to wed, and ultimately B was induced by false representations to marry the very woman whom A had seduced. He soon learned of the fraud that had been practised upon him, and instead of repudiating the union, as he might well have done, he sought revenge upon A through the instrumentality of the courts of justice. The result was the case of *Kujek* v. *Goldman*, the final decision of which, in the Court of Appeals, is reported in the New York Law Journal of October 21, 1896.

The court admitted that the action was unprecedented, but felt satisfied that the plaintiff, in being compelled to support a woman he would not otherwise have married, and in being deprived of her services while she was in child-bed, had suffered legal damage for which he could recover in an action of deceit. And upon this peg it was deemed permissible, owing to the nature of the case, to hang exemplary damages. Thus far the logic of the decision seems unassailable, though the particular point decided is new. The nearest approach to it appears to be found in those cases where a marriage is induced by fraudulent misrepresentations to one of the parties concerning the amount of property possessed by the other. This is regarded as an actionable wrong, and in certain cases courts of equity have compelled the person guilty of the fraud to make good his representations. *Montifiori* v. *Montifiori*, 1 W. Bl. 363; *Piper* v. *Hoard*, 107 N. Y. 73.

In the case under discussion, however, the court proceeds to assert a much more radical doctrine. It is laid down that "the action can